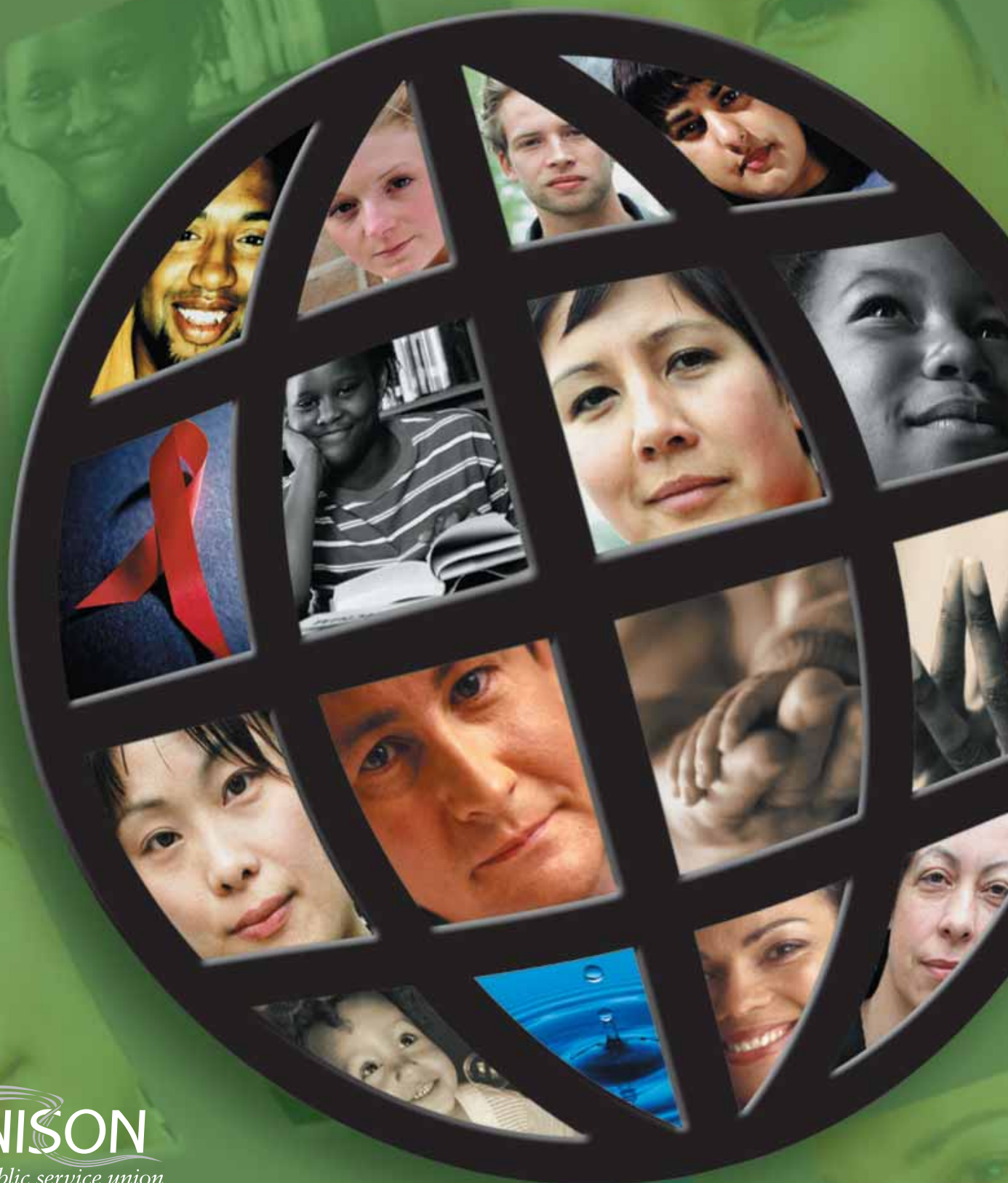


A UNISON Discussion Paper



Foreword

UNISON has published this document on international labour migration in recognition of the positive contribution migrant workers make to the economy of the United Kingdom, and to mark the union's awareness of the problems they face as human beings and workers living in a strange country. The impact of out-migration on the economies of developing countries is also of deep concern to us. As the report acknowledges, globalisation has escalated migration, with employers in the UK recruiting workers from overseas to fill the vacancies in the jobs market, many of which are un-skilled and low paid positions.

The paper highlights how the government can address the exploitation of migrant workers by ratifying international conventions and tightening up on domestic legislation.

It is not possible, nor is it desirable on human rights grounds, to halt the flow of workers across national boundaries, but we must be aware of the effect this is having on developing countries' resources, especially the health care systems of sub-Saharan Africa. The paper looks at measures to help developing countries to build and strengthen their education and health infrastructures, which enable key workers to play a continuing role in their economies.

This paper sets out how, targeted development assistance, developing countries can retain their trained professionals and recommends a number of policy measures that governments, institutions and organisations, including trade unions, can adopt to facilitate this process.

The paper is an integral part of UNISON's on-going international development work. We hope you find this a useful resource.

A handwritten signature in black ink that reads "Dave Prentis". The signature is written in a cursive, flowing style.

Dave Prentis
General Secretary

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Executive summary

UNISON undertook this work on labour migration to highlight and suggest recommendations to the problems faced by migrant workers in the UK and to better understand the situation in 'sending' countries where services are being decimated because of the loss of key workers. In addition to giving some background to the issues of labour migration, the report suggests positive action to improve the conditions for migrant workers coming to the UK. It further recommends working with organisations in sending countries to try to combat the drain on resources, especially in health and education which is contributing to poverty and high mortality rates.

Background to labour migration

The first section covers the background to international labour migration and looks at the key issues from a global and UK national perspective. It highlights the main initiatives taken by the UK government in recent years to manage migration, both in the interests of migrant workers themselves and those of the UK economy. Among the key findings:

- there are around 190 million people globally living in a country not of their birth. The ILO estimates that there are more than 42 million migrant workers worldwide, not including the millions of illegal migrants, many of whom are open to abuse and exploitation
- health care workers make up an increasing proportion of migrant workers in the UK – the majority of whom are from sub-Saharan Africa and South East Asia. This haemorrhage of health workers from developing countries is having a devastating effect on those countries
- in 2005 the government published a 5-year strategy for asylum and immigration which proposed a points-based system for those coming into the UK to work or study. This strategy favours skilled workers

- the UK has not ratified the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and their Families, which would protect migrant workers and their families from abuse and exploitation.

Benefits and losses of labour migration

The second section sets out the benefits and losses of labour migration to receiving and sending countries. It is concerned in particular with the losses to sending countries, in sub-Saharan Africa and elsewhere, with special emphasis on health service workers and the impact their loss has on health service systems in their countries. Some of the benefits and losses are:

- migrant workers make a positive net contribution of around £2.5 billion to the UK's public accounts
- overseas-qualified doctors account for 51 per cent of the increase in the number of doctors working in the NHS. This has saved the NHS time and money without redress to investing more in training.
- most migrant workers, including a number of highly qualified, take on low-paid, insecure work
- there are huge implications for sending countries; the most crucial is the loss of expertise. South Africa said it spent US \$1b educating health workers who migrated
- high levels of out-migration from Sub-Saharan Africa resulted in a struggle to provide basic health services. It is estimated that annually between 30 and 50% of health graduates leave South Africa for the US and UK
- the biggest blow from the loss of healthcare professionals is felt by HIV/AIDS sufferers who are desperately in need of medical attention but are unable to receive it as doctors and nurses leave to work abroad
- migration should be voluntary rather than forced

by social or economic circumstances. Development aid and commitments from governments in developing countries can play a part in improving social and economic infrastructures

- many migrants have to leave their families behind who depend on the money sent home. It is estimated that as much as US \$150b was 'remitted' globally in 2004
- migrant workers entering the UK have strong cultural and family ties with the country of their birth and many do not intend to take up permanent residence in the UK. Those who do return take back experience and knowledge which benefits the home country as a whole by adding to its pool of talented workers.

Problems faced by migrant workers

The third section focuses on the problems faced by migrant workers in receiving countries, but most notably in the UK. It draws attention to the uneven relationship between migrant workers and their employers, and the physical and verbal abuse experienced by migrants from racists and xenophobes. It stresses the importance of positive trade union activity in recruiting and representing migrant workers in the UK. Some of the problems faced are:

- rising violence against migrants especially women migrants who are vulnerable to violent attacks which include rape, beatings and starvation
- the government has adopted measures to make it easier for migrants to obtain employment but they still fall short of offering any real employment protection
- migrant workers in sector-based schemes are in a similarly weak position as many only stay in the country for one year or less and have no protection in the event of unfair dismissal – UNISON has encountered resistance to recruiting in the private contracting sector where there is a high concentration of migrant workers.

- UNISON has discovered that migrant worker members involved in an industrial dispute have been threatened with scrutiny of their migration status; and members who have transferred jobs under TUPE have also had their status questioned.

- UNISON has revealed bad practices in some private recruitment agencies operating in the countries of origin – sign-on fees can be charged or loans granted for travel, and then deducted from wages in the host country

- the European Posted Workers Directive should ensure that workers coming to the UK for short periods to work in sectors such as construction, would benefit from the terms and conditions agreed for the sector, but government has not been obliged to put laws into place guaranteeing this protection

- ILO studies have found that more than one in three qualified migrant applicants was unfairly excluded in employment selection procedures in several Western industrial countries because their qualifications were not recognised in the host countries.

Recommendations

The final section of the report proposes a range of policy measures and recommends concrete action which governments and international and national institutions, including trade unions, can adopt to assist the development of a rights-based solution to global labour migration. These require courage and determination, qualities that have been largely absent to date in the struggle for universal human rights and social justice in the field of international labour migration.

The UK government has done much to assist migrant workers but could do more such as:

- ratify the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and their Families
- reform the work permits scheme and legislate to prevent employers from holding migrant workers'

passports

- repeal Section 8 of the Asylum and Immigration Act 1996
- tighten the Code of Practice for the international recruitment of healthcare professionals and initiate action to regulate the activities of private recruitment agencies
- close the loophole in the Posted Workers Directive to provide real protection for migrant workers
- work to establish a multilateral framework for a rights-based system of labour migration, based on the ILO's Core Labour Standards
- work towards a common legal framework, setting out the rights and obligations of third-country nationals, within the EU as a whole.

The UK government should also:

- improve the pay, conditions and value of health care workers in the UK to enhance national recruitment and retention strategies, thereby reducing dependence on migrant nurses
- increase funding for public education and healthcare at home and overseas.

Working with other governments in the EU and the G8 countries, the UK government can help sending countries most affected by the loss of key workers, in the following ways:

- provide salary support in key sectors such as education and health, where staff losses are greatest
- offer assistance to improve health service financing and governance in countries that are losing staff

- strengthen key public services in developing countries through targeted and equitable development assistance

- assist in the development of a health service training programme, with the support of UK staff
- co-operate with pre-departure and orientation briefings for migrant workers, with the involvement of the trade unions.

There are a number of initiatives that trade unions could adopt in the development of a fair and just system of labour migration and in the protection of migrant workers' rights, including:

- identify areas where there is significant employment of migrant workers and organise union recruitment campaigns, supported by material in appropriate languages
- provide advice and information to migrant workers on their rights as well as responsibilities at work, and access to trade union support information on housing, the cost of living, banking facilities, and other social services
- establish education and training courses for migrant workers including assistance with English language tuition
- support the European Year of Workers' Mobility 2006, to raise awareness and increase understanding of labour migration in Europe
- build closer working relationships with trade unions overseas, with reciprocal 'passport' agreements and exchange programmes to develop a greater understanding of migration issues, and develop capacity building schemes to assist trade unions in sending countries
- develop and promote workplace strategies to combat racism, discrimination and xenophobia towards migrant workers
- work closely with organisations and community groups caring for migrant workers, asylum seekers and refugees.

Labour migration – the background

There are around 190 million people around the world living in a country not of their birth – about three per cent of the world's population. As many as 100 million people are “on the move” across international boundaries, one in every 60 human beings. Most of this cross border migration is not a matter of choice as people are forced to move for many different reasons. War, civil conflict and persecution tend to be the major causes, but millions try to escape hunger or the consequences of environmental degradation. Economic systems that have failed to provide for people's most basic survival needs, or that are simply unable to fulfil expectations of decent living standards, also drive people to look outside their country of birth for a better life.

Globalisation, involving rapid technological change and intense market competition, has escalated economic or labour migration and created an enormous pool of migrant workers. (The United Nations (UN) Convention on the Rights of Migrants defines a migrant worker as a “person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a national”). The International Labour Organisation (ILO) estimates that there are at least 85 million migrant workers worldwide. This figure is overshadowed by the millions of workers who move within countries – China alone has 80 million internal economic migrants.

We should not forget the millions of undocumented migrants, many of them desperate and vulnerable and open to abuse and exploitation. The availability of millions of potential workers satisfies employers' demands for a mobile and highly flexible workforce. Although some educated, qualified migrants fill skilled jobs in, for example, healthcare and engineering, the great majority enter low-skilled, or unskilled, jobs in areas such as catering and domestic services, where work is low-paid and often temporary. The UK is a popular destination for both groups of migrant workers.

The foreign-born population of the UK – 4.72 million – accounts for about eight per cent of the total

population of 59 million. However, this figure should not be used to estimate the number of people from abroad working temporarily in the UK, or how many new migrant workers are joining the labour force. For this, studies normally use the number of foreigners living in the UK as a tool to calculate the number of foreign or migrant workers.

The definition of foreign-born and foreign is complex and includes categories with limitations, but in simple terms foreign workers do not hold UK citizenship, while foreign-born may or may not be UK citizens, or may have dual citizenship. Accepting these definitions, the latest figures for 2002, show that there were 2.681 million foreigners living in the UK, of which 1.303 million were actively employed. This represented 4.6 per cent of the total working population of the UK, as compared to 3.6 per cent across the whole of the EU. According to the Organisation for Economic Co-operation and Development (OECD), 14.9 per cent of all foreign workers in the UK work in the ‘health and other community services sector’, with, in 2003, almost a third of all NHS doctors qualifying in another country.

The UK's strong economic performance and greater labour market flexibility is attracting migrant workers on an increasing scale. In 2002, 88,600 work permits were approved (this figure excludes 31,500 dependents). This was an increase of almost four per cent over the previous year's figure, but a much smaller increase than between 2000 and 2001, when approvals rose by 32 per cent. The most common country of origin was India, 19,000 migrant workers, followed by the United States (9,500), South Africa (8,000), and Australia/New Zealand (7,800).

Health care workers make up an increasing proportion of migrant workers coming to the UK, with the bulk of them arriving from developing countries in sub-Saharan Africa and South East Asia. Of the sub-Saharan African countries, South Africa is by far the greatest source of health workers with 1,689 nurses and midwives and 6,208 doctors joining the register in 2003/04. In the same period, 4,338 nurses and midwives from the Philippines and 18,006 doctors from India, joined the register.

Overseas countries are being used to fill a personnel gap in the UK's health service. Of the 34,627 additional nurses and midwives joining the register in 2003/04, 14,122 came from outside the UK. This is having a devastating effect on developing countries where life expectancy is much lower than in the UK.

In 1999, mindful of the effects of the loss of healthcare professionals on developing countries, the Department of Health (DH) banned National Health Service (NHS) trusts from recruiting from South Africa and Caribbean countries and extended the ban to all developing countries in 2001 when it adopted the 'Code of Practice for the international recruitment of healthcare professionals'. The list applies to 152 countries, but does not include China, India, the Philippines and Spain where, with the agreement of both governments, nurses are offered the opportunity to work in the UK.

The code was revised and updated in December 2004, with a further update in March 2005. It encourages all employers to follow ethical guidelines and not to recruit from developing countries. However, because the code is purely voluntary, many private recruitment agencies continue to recruit from countries on the banned list, without the explicit agreement of the governments concerned.

In 2004/05 more than 3,300 nurses entered the UK register from developing countries on the banned list. It is believed that agencies evade the ban by instructing recruits to say they were applying of their own volition. Advertising health care jobs in professional journals is not allowed in countries where they are recruiting, but agencies can do so through their web-sites. Once health care staff are working in UK private hospitals, which remain outside the code, they can apply for NHS jobs. Tightening the code would be one way of dealing with the unethical practices of private recruitment agencies. Alternatively, licensing for recruitment agencies could be reintroduced making compliance with the code a condition.

Migration however, is a two-way process. Over the decade to 2002, 3.9 million people entered the UK as

migrants and 2.8 million people left, giving a net inflow of over one million. In 2002, 125,000 people migrated from the UK to other EU countries, compared with 89,000 who came to the UK from elsewhere in the EU. The latest figures show that at the end of 2004 there were 130,900 workers from the new member states working in the UK. More than half (56 per cent) of these are from Poland. At least half of the inflow and outflow of people are of working age, many within the 25-44 age group, but although there is a net inflow of migrants, the UK is losing domestically educated and trained key workers.

An increasing number of nurses are migrating to higher paid jobs in Australia, Canada and the USA. In 2003 more than 2,000 nurses, the highest number recorded, left the UK to work in the USA, which aims to employ one million extra nurses by 2010. The loss of UK trained nurses to the USA and elsewhere results in greater dependence on overseas nurses from developing countries. The point made earlier that globalisation has escalated labour migration is reflected in the comment by the International Organisation for Migration in its latest report for 2005. The report says, "In spite of the EU enlargement after 1 May 2004, Europe will need to develop proactive immigration policies after 2010, and draw more migrants from outside Europe, in order to remain competitive with other major immigrant receiving regions in the world".

The government has embraced the principle of managed migration and has adopted a number of measures to facilitate this, while at the same time being tough on abuse of the asylum system and illegal immigration. Changes to the Highly Skilled Migrant Programme, 2003, include:

- reducing the overall points required to qualify
- introducing new criteria for applicants under 28 years old to make it easier for younger, skilled applicants to work in the UK
- taking account of graduate partners achievements.

From mid-2004, foreign nationals who have graduated in maths, science or engineering at a UK

institution have been able to work for 12 months following graduation under the Science and Engineering Graduates Scheme. In April 2005 a new provision was introduced allowing Master of Business Administration (MBA) graduates from business schools to work in the UK for a period of 12 months after they have completed their course. The upper age limit of 25 in the Seasonal Agricultural Workers Scheme was removed from January 2004 and the Working Holidaymakers Scheme has been updated and extended, the upper age limit has been raised from 27 to 28 and employment restrictions removed to allow a switch into work permit employment after 12 months, if the necessary criteria are met.

Following the deaths of 23 Chinese cockle pickers in Morecambe Bay in February 2004 steps have been taken to tackle the issue of undocumented migrant workers and the gangmasters who control them. (It is estimated that there are around 4,000 gangmasters in the UK, controlling approximately 60,000 workers). The Gangmasters (Licensing) Act 2004 established the Gangmasters Licensing Authority to set up and operate a licensing scheme for labour providers operating in the agriculture, shellfish gathering and associated processing and packaging sectors.

The Act prohibits anyone from acting as a gangmaster in the specified areas, without a licence. It includes businesses registered as employment agencies or employment businesses. Illegal gangmasters routinely flout employment and tax regulations, including laws on the minimum wage, and often use threats and intimidation against agencies and businesses who operate lawfully.

There is increasing evidence that the gangmasters are moving out of the areas protected by the Act and into the construction and service sectors where the problem is escalating. The Act should therefore be extended to cover all areas where there is seen to be a problem and properly resourced to ensure there are enough inspectors to enforce the law. The licensing of gangmasters is to be under the control of the Gangmasters Licensing Authority, which came into effect on 1 April 2005. It is expected that the licensing system will operate from mid-2006.

This too should cover agencies in all areas where gangmasters operate.

In February 2005 the government published its five year strategy for asylum and immigration, *Controlling our Borders: Making immigration work for Britain*, proposes:

- a points-based system for those coming in to work or study
- financial bonds to guarantee that some migrants return to their home country
- no automatic right for relatives to bring in more relatives
- only skilled workers allowed to settle long-term in the UK
- fixed penalty fines for employers for each illegal worker they employ as part of the drive against illegal working.

The latter point is a reform of something that already exists under Section 8 of the Asylum and Immigration Act 1996. These broadly represent a fairly restrictive set of rules which may hinder efforts by organisations to tackle the myths about migration and migrant workers. The proposals are set out in more detail in a government consultation paper '*Selective Admission: Making Migration Work for Britain*', July 2005. Following the consultation, the government will announce proposals for change and a timetable for implementation in spring 2006. The new system has four catchment tiers, the highly skilled, the skilled, the low skilled and students and specialists, clearly indicating that its purpose is to realise the economic gains of migration.

The UK government needs to take further steps to protect migrant workers from abuse and exploitation. But although the demand for migrant labour is increasing, no major receiving country, including the UK, has ratified the 1990 UN Convention on the Protection of the Rights of all Migrant Workers and their Families. This has been described by the Director of Anti-Slavery International as "the most comprehensive

international standard protecting migrants' rights", and as a "vital step in protecting migrants and their families from slavery and other exploitation".

Reluctance by receiving states to ratify the Convention is linked to the fact that the Convention promotes basic rights for all migrant workers, regardless of their immigration status. A further reason given by European Union countries is that many of the rights enshrined in the Convention are already covered in other EU instruments. However, the fair and equal treatment of all workers regardless of their immigration status should be the goal of all governments. Ratification of the Convention would be evidence of their good intentions and commitment to respect basic human rights.

Benefits and losses of labour migration

Benefits to the UK

Migrant workers benefit host countries in a number of ways. The overall economic impact of all migrant workers to the UK for example suggests that they make a positive net contribution of around £2.5 billion to the public accounts. A 2004 ILO study showed that, in the absence of this contribution, UK public services would have to be cut or taxes would have to be raised. Migrant workers bring skills, qualifications and youthful enthusiasm to an otherwise ageing working population.

Government statistics for 2003 show that 21 per cent of migrant workers hold higher education qualifications, compared with 17 per cent of UK-born. The statistics also show that 45 per cent of migrant workers in the UK were working as employers, managers and professionals, compared to 39 per cent of UK workers. The sectors included administration, education, health and financial services. Most migrant workers however, including a number who are highly qualified, take on low-paid, insecure work in areas like catering and domestic services, which local people find unattractive and are therefore unwilling to fill.

With migrants eager to undertake this work, firms and the economy grow as productivity increases and inflationary pressures reduce. Migrant workers also add large levels of entrepreneurship and self-employment, thereby creating new jobs for the UK workforce. This can act as a spur to local people to start their own business, giving further impetus to economic growth.

As migrant workers are also consumers, demand for goods and services increases, which in turn leads to additional demand for more labour, thereby increasing opportunity for all. Continuous growth can result from this due to the younger age profile of migrant workers, providing that they are able and willing to stay long-term, rather than return home once they become financially secure.

Education and health care are two sectors that

have experienced the benefits of increased labour migration in recent years. A number of education authorities in the UK hire migrant workers directly from abroad to address the shortage of teaching staff. School teacher work programmes, for example, recruit Jamaican teachers for inner city schools in London. Higher education also benefits, with 12.5 per cent of academic and research staff made up of non-British nationals. Information technology (IT) is a critical support tool in education, and in IT as a whole migrant workers account for 17 per cent of highly skilled workers. Overall, migrant workers bring intellect and expertise to education, with 20 per cent educated to degree level compared to 14 per cent of UK born citizens. Their contribution is invaluable.

Within the health care sector migrant workers occupy positions that, left to local recruitment, would be hard to fill in terms of specialist skills or geographical areas. Overseas-qualified doctors account for 51 per cent of the increase in the number of doctors working in NHS hospitals. In recent years more than 25,000 work permits have been issued annually to workers in health and medical services. And if we include those who enter by other routes – asylum, family reunion – the effect is that almost one in three doctors, one in six dentists, and one in 10 nurses in the UK were trained overseas. An inadequate number of UK-trained doctors and nurses is a major cause of the increase in overseas recruitment.

Since 1997 there has been an aggregate total of more than 80,000 overseas nurses admitted to the UK register. The British Medical Association (BMA) has called on the UK to achieve self-sufficiency in their health care workforces, rather than rely on developing countries to make up the shortage. But being able to draw on a ready supply of foreign workers has saved the NHS time and money and enabled it to expand to meet performance targets without having to wait for domestic workers to be educated and trained.

As well as educating and training extra health care workers in the UK, advantage could be taken of the large numbers of refugee doctors, estimated at over 1,000, who are living in the country. A survey of 150

refugee doctors found that 85 per cent do not have posts in the NHS. More than half were unemployed, while others took jobs as chefs, labourers and security staff.

Official policy suggests that the dominant question in the debate about migrant workers is what is in the best economic interests of the UK, not what can be done to help and protect migrant workers in the UK economy. Migrant workers make a huge contribution to the economy, but measures to protect them from unscrupulous employers are conspicuous by their absence. They also bring a range of non-economic benefits to British society. The varied richness of their culture, customs and language, make our country more colourful, dynamic and vibrant. They also encourage an interest in the history and traditions of our respective cultures, which hopefully will lead to a greater tolerance and understanding. More needs to be done before we reach this state of development, but we should be prepared to take the first steps on the road to achieving it.

Losses to sending countries

There are huge implications for sending countries as a result of out-migration, the most crucial of which are the loss of expertise and skills. This brain drain is particularly acute in developing countries, especially where the move abroad is permanent. Public services, such as health, education and social services, are losing large numbers of skilled workers to migration. Structural changes and decreasing investment in the public sector has increased the pressure on public sector workers to migrate, as shown by trends in the health and education sectors.

According to the International Organisation for Migration, South Africa claims to have spent 1 billion US dollars educating health workers who migrated – the equivalent of one-third of all development aid received between 1994 and 2000. In the Caribbean, Jamaica has suffered a great loss of educators and teachers. Between 2000 and 2002, Jamaica's Ministry of Education estimate that around 2,000 teachers left to take up temporary posts abroad.

While Jamaica has trained increasing numbers of teachers in recent years, the proportion of fully qualified teachers has fallen. Throughout the 1990s the total share of fully qualified, trained teachers declined by 11 per cent. Migration from developing countries is not only a loss of skilled health care workers and teachers, it is also a loss of educational investment.

Health care sectors in developing countries suffer dramatically from the loss of skilled workers. Countries like the UK can offer relatively high incomes and exert a pull factor on countries where wages and conditions are unattractive. It should not be assumed however that health care workers, including doctors, nurses, health care assistants, only move abroad for financial reasons. Many do so for reasons of professional development.

Whatever the reason, high levels of out-migration put a severe strain on human and financial resources, which results in a struggle to provide basic services, such as health. It is estimated that between 30 and 50 per cent of health graduates leave South Africa for the USA and UK each year, two-thirds of Jamaican nurses left permanently in the 1990s, and in 1999 Ghana lost more nurses than it trained.

In sub Saharan Africa healthcare systems are badly affected, with 24 of the 47 countries having only one medical school; while 11 have no medical school at all. In Ghana, 40 per cent of health districts have, at the most, two doctors to serve the entire population, while some districts have none at all. Life expectancy in many African countries is low. The UN Millennium Development Goals include a two-thirds reduction in child mortality under five by 2015. To meet this Africa needs one million extra health care workers. Significantly, the Millennium Development Goals recognise that a sound health care system is critical to the economic development of developing countries.

The biggest blow from the loss of healthcare professionals is felt by HIV/AIDS sufferers who are desperately in need of medical attention but are unable to receive it as doctors and nurses leave to work abroad. Many sufferers are health workers

themselves. The HIV/AIDS epidemic kills health workers, increases the work burden and stigmatises those who remain to care for patients. It also imposes huge health care burdens while demanding more skilled staff to combat the infectious disease. HIV/AIDS is therefore both an emergency problem and a long-term development issue.

This difficult situation is compounded by a profound neglect of health care systems that have suffered decades of under-investment. Structural adjustment policies and health care reforms are largely responsible for this, but poverty reduction strategies rarely include assistance for HIV/AIDS treatment. As a result many health workers move out of the public into the private sector.

Out-migration, with the loss of key workers, makes it imperative that the UK increases its aid budget rapidly to help developing countries invest in education, health, and other public services. The loss of skilled workers can be a major impediment to economic growth and technological progress, so early targeted aid and investment in public services, like education and health, can have direct benefits for economic development. Debt cancellation also helps developing countries to provide services. In Ghana, for example, debt relief led to 2.2 million people gaining access to clean water.

Carefully targeted assistance in sending countries, and on sectors most affected, should ease the impact of migration, but it will take time to have a real affect and depends on the actual level and application of development aid. It would not be possible, nor should it be, to prevent the global movement of people. However, it should be the aim of policy to ensure that such movement is voluntary, fair and humane, and not forced by social or economic circumstances.

Development aid can play a positive role in improving poor countries' economies, in building and strengthening education and health systems, and in ensuring that pay and working conditions help recruit and retain domestically educated and trained workers. Co-operation and partnership between governments, aid agencies and unions is necessary. Governments in developing countries

have a special responsibility to improve spending on education, healthcare, and other social and economic infrastructure which will generate growth and create jobs. All this indicates that migration is an integral component of the development agenda.

Migration from the southern to the northern hemisphere is at least matched by migration between countries in the global south, notably Africa, and between countries in eastern Europe and those in the west. Over the last decade South Africa has received an influx of migrants from various parts of the sub-Saharan region, including Ghana, Mali, Nigeria, Senegal, Uganda, and Zaire.

The improving economies of Botswana, Gabon and Namibia also draw in internal migrants who view them as an attractive alternative to Europe and the United States. Similarly, the break up of the Soviet Union and the enlargement of the European Union has facilitated movement between countries. As a result, workers from Hungary, Poland and the Ukraine migrate to seek employment in western Europe, Canada and the United States.

The cross border provision of health care services is seen as an integral component of the growth of trade in services. The provision of health services by individuals in another country on a temporary basis is not automatically excluded from the coverage of Mode 4 of the World Trade Organisation's (WTO) General Agreement of Trade in Services (GATS). Mode 4 will have implications for the employment of health workers in the UK and elsewhere.

As in the case of public services there is controversy and uncertainty over whether health services should be excluded from the GATS process because they are provided "in the exercise of governmental authority", and are supplied neither on a commercial basis nor in competition. It is also unclear what temporary means in length of time.

In the last round of negotiations health care services were excluded from the process by the European Union acting on behalf of all its members. Pressure is being maintained to ensure that health services are excluded permanently from all future discussions. But if countries are to benefit from

Mode 4 of the GATS then domestic and international labour laws should protect workers entering a country specifically for work purposes.

Increasing global liberalisation of trade, with goods and services moving within the world economy, and demands from the World Bank and International Monetary Fund for privatisation and more cuts in public expenditure, threaten public services such as education and health. Following the G8 summit in July 2005, pressure needs to be maintained, not only to cancel developing countries debt and increase overseas aid, but to replace free trade with fair trade and create a level playing field so countries can compete as reasonably equal participants. Unless the advance of global economic liberalism is reversed, or at least curtailed, poor countries will continue to experience a drain on their educated and skilled workers.

The effects of the brain drain are acutely felt by families, as well as local and national economies. Many qualified professional health staff who migrate to the UK and elsewhere often leave their family behind. This can and does lead to a break up of the family unit. Those left behind bear the burden of greater workloads, low incomes, inadequate supervision, lack of career progression and, generally, sub-standard equipment in basic, key services.

This is particularly true for women migrant workers who are stereotyped into the low-paid, "reproductive work", such as cleaning and domestic services, caring and healthcare. Women's work is largely undervalued and the burden is doubled in the case of women migrant workers who have the responsibility as breadwinners and carers for their families.

In the increasing "feminisation of migration", where more women are migrating for work, families are separated and children suffer the most. These are high social costs that are not considered in measuring the benefits of migration. The loss of education and health care professionals produces serious deficiencies in the services provided to local communities and, crucially, in the capacity of developing countries to make progress with educational and health development. Even where

resources are targeted to increase the numbers of skilled education and health workers, better pay and working conditions in developed countries relative to the situation in developing countries, remain strong push and pull factors in migration.

Benefits to sending countries

Although many economic migrants work in relatively low-paid jobs they regularly send money home to their families and relatives. However, it is difficult to estimate the scale of these remittances to sending countries because of the often informal manner in which they are returned, but there is little doubt that they contribute to the national income of the countries involved, and act as a stimulus to longer-term economic growth. Remittances are more likely to occur where migrants intend to return home to families they leave behind, rather than where migration is permanent. These remittances equal, and in some cases exceed, official development aid in many countries.

It is believed that in 2004 the equivalent of as much as 150 billion US dollars was remitted globally with, for example, Mexico receiving 16 billion, India 9.9 billion and Philippines 8.5 billion dollars.

Remittances play an important role in smaller and island nations, where they can be equivalent to between 20 and 40 per cent of Gross Domestic Product. Sub-Saharan Africa on the other hand receives the lowest level of remittances, amounting to just 1.5 per cent of total global remittances.

In general doubts remain about the value of remittances for economic development because of uncertainties about how they are used, but the scale of the sums involved suggest a major positive impact. Evidence suggests that income generation in micro-economies in developing countries can have a negative impact as prices inflate. This creates further hardship locally and may offset the benefits to the national economy.

Migrant workers entering the UK have strong cultural and family ties with the country of their birth and therefore do not intend to take up permanent residence. Some move on to another country or

return home. There are no records which indicate the number of migrant workers who return home after working in the UK, but it can be assumed that those who do so are still of working age and are thus able to continue to use their knowledge and skills. Of course this is dependent on the demand for labour in their home country. This is greatest where the economy is growing rapidly. In countries with low or no growth and high unemployment, demand will be low and the desire to return home will therefore be dampened. The solution to this conundrum is for developed economies to help developing countries to create the conditions for sustainable economic growth.

Migrant workers who return home bring experience and knowledge from working in another country. This benefits the home country as a whole by adding to its pool of talented workers, particularly where the skills are relevant to the needs of the home economy and the migrant workers are willing to use them upon return.

It also benefits the individual worker who will have developed through contact with people possessing a range of human, intellectual and professional skills. Access to educational and language courses in the host country should open up opportunities for career promotion at home and assist the personal development of each worker. This 'brain gain' is experienced especially in the major growing economies of China and India.

Problems faced by migrant workers

Migrant workers face many obstacles while trying to establish themselves in their host country. Whether in countries that have traditionally attracted immigrants or in countries where migration is a recent phenomenon, migration and migrants have a negative image. Media attention routinely focuses on uncontrolled flows of people seeking work or asylum, on undocumented migrants, on the criminal activities of traffickers and smugglers, and on the problems of the integration of immigrants with the local population.

Public perceptions may reflect real issues and real problems, but they also reflect fear, ignorance and prejudice. It is widely believed that migrants come to the UK simply to take advantage of the state welfare system, a belief encouraged by sections of the press. Evidence shows that migrants make less use of the benefits system than the indigenous population. One of the reasons for this is that migrant workers are denied entitlement to non-contributory benefits in the first place. This is an anomaly that should be addressed.

Public perceptions however, fluctuate and are subject to a variety of influences. The majority tends to change its views with the ebb and flow of the economy – a period of unemployment for example inflames fear and prejudice – but it is also sensitive and responsive to the information and messages coming from political representatives. At the same time, political representatives are very aware of trends in perceptions and public opinion, particularly when seeking to gain or retain electoral support.

Extreme politicisation of migration in many countries bears further testimony to this, as does the rise in violence against migrants. Migrants and foreigners have always been scapegoats for actual or perceived economic and social problems, from criminality to unemployment. The events of September 11 2001 in New York, and July 7 2005 in London, have heightened the perception of migrants, particularly those of Muslim and/or Arab origin, as a threat to social stability. In their efforts to assuage public fears of further terrorist attacks, governments rush to introduce laws which

undermine human rights and adversely alter the balance between freedom and security.

Governments have a responsibility for the protection and security of their countries, but in doing so they must be mindful of the rights of the people. Studies on the situation of Muslim and Arab peoples following 9/11 have found that in most non-Muslim countries, but primarily in north America and Europe, discrimination and violence towards people originating from Muslim countries became more frequent. This hostility has had an effect on employment and recruitment.

A study by the Institute of Employment Studies revealed that most companies surveyed were looking to employ refugee staff because of gaps in the domestic labour market. However, half of those questioned did not want it to be publicly known that they employed refugees because of the negative image of migrants coming to the UK.

Violent attacks on migrants and refugees throughout Europe have been widely reported, but brutality against foreigners is occurring in all regions of the world. Women migrants are often the targets of such attacks. Among the types of violence directed at women are beatings, rape and starvation, with increasing numbers forced into prostitution. Inhumane working conditions, such as long working hours, non-payment of wages and no time off are experienced by many women migrant workers, with unskilled workers in domestic service particularly exposed.

The opportunities for migrant women in securing work are often restricted to traditional female jobs such as catering and domestic service. Many of these jobs come into the 'casual' category and offer no physical safety or financial security. As a result, social support through women's networks has a limited role to play.

While the government has adopted measures to make it easier for migrants to find employment, they still fall short of offering any real employment protection. Work permits continue to remain the property of the employer, while a worker's right to remain in the UK depends on them remaining with

the same employer. The employer-migrant worker relationship is consequently an uneven one, with the employer holding a distinct advantage and exercising great power over the worker.

Under Section 8 of the Asylum and Immigration Act 1996 employers effectively act as immigration control officers. The Act requires that they check the immigration status of employees who they believe to be immigrants. As a result, Section 8 places workers at the mercy of employers and is likely to increase discrimination against job applicants. It should therefore be repealed.

Migrant workers in sector-based schemes are in a similarly weak position. As many only stay in the country for one year or less they have no protection in the event of unfair dismissal. Where rights do exist it is difficult to bring a case to a tribunal if the individual victim has to leave the country. Those with restricted rights, for example students on seasonal agricultural workers schemes, or those on work permits employed in private health, can have their documents withheld, threatened with the sack and subsequently deported.

In London there is a high concentration of migrant workers in the private contracting sector. In some areas it is in excess of 50 per cent. UNISON has encountered resistance to recruitment in this sector and a campaign focused on migrant workers would help to re-establish a union presence.

The current system of work permits is a charter for the exploitation of migrant workers as the scheme places the power over migrant workers' status and livelihood in the hands of the employer. There is much evidence to suggest that, as a result, many migrant workers find themselves in a situation where they are not accurately informed of their rights and are vulnerable to dismissal or being labelled as criminals if they complain about their working conditions.

In addition, they are often threatened with withdrawal of their work permit if they do not comply with the employer's wishes. UNISON has discovered that migrant worker members involved in an industrial dispute have been threatened with scrutiny of their

migration status; and members who have transferred jobs under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) have also had their status questioned.

This, combined with the lack of control they have over their passports, leaves them open to the risk of becoming undocumented workers. Legislation is needed to strengthen migrant workers rights and to prevent employers from holding migrant workers' passports, as it effectively violates their human rights and dignity.

UNISON's involvement with migrant health workers has revealed bad practices in some private recruitment agencies operating in the countries of origin. As a result sign-on fees can be charged or loans granted for travel, and then deducted from wages in the host country. It should be possible in UK law to prohibit UK agencies from involvement in such payments abroad and to prohibit the enforcement of payments in the UK.

The Institute of Employment Rights (IER) has outlined a number of steps that could be taken to tackle this problem. In their booklet, "Labour Migration and Employment Rights", the IER says 'In the first place, it should be made explicit in legislation that any contract or arrangement for the payment of such fees, beyond the actual and documented cost of transport to the United Kingdom, is unenforceable within the United Kingdom.

"Secondly, it should be made clear that the rules against charging by employment agencies based in the United Kingdom also apply in cases where they are involved in requests for such payments in other states. Finally, we would point out that compliance with this principle ought to be incorporated within the gangmasters licensing system – ie evidence of payments should leave an individual open to the refusal or withdrawal of a licence."

To further strengthen these measures the activities of agencies need to be regulated internationally through multilateral agreements. The ILO has called for the development of a non-binding multilateral framework for a rights-based approach to labour migration and the establishment of an ILO dialogue

on migration, in partnership with international and multilateral organisations.

The framework will comprise international guidelines on a range of issues, including the licensing and supervision of recruitment and contracting agencies for migrant workers in accordance with ILO conventions and recommendations, the promotion of measures to ensure that all migrant workers benefit from the provisions of all relevant international labour standards, and the introduction of measures to ensure that all migrant workers are covered by national labour legislation and applicable social laws.

The European Posted Workers Directive should ensure that workers coming to the UK for short periods to work in sectors such as construction, would benefit from the terms and conditions agreed for the sector. However, owing to the oddities of the UK collective agreements, governments have not been obliged to put laws into place guaranteeing this protection. The underlying deficiency therefore is with British labour law. Plugging this loophole would protect decent employment standards and help improve health and safety for all workers, regardless of their nationality.

Migrant workers who have trained and qualified in their own country often find that their qualifications are not recognised elsewhere and this has led to exclusion from employment. ILO studies for example have found that more than one in every three qualified migrant applicants was unfairly excluded in employment selection procedures in several Western industrial countries. According to the Nursing and Midwifery Council (NMC), in the year ending 31 March 2004, only one in three (14,122) of the 41,406 overseas trained nurses and midwives, mainly from developing countries, who applied for registration, were accepted.

The Council for Assisting Refugee Academics (CARA), which is supported by the Trades Union Congress (TUC) and Commission for Racial Equality (CRE), estimate there are 1,500 refugee doctors, dentists and health professionals in the UK, but only a minority are employed at the same level as their country of origin. Migrant nurses, particularly black and ethnic minority nurses, also experience

in-job discrimination, are excluded from development and training opportunities and are consequently denied promotion.

All these problems make it imperative that union recruitment policies and strategies recognise the need to organise and represent migrant workers. The labour force survey figures for 2002 show that only one in five migrant workers (20.4 per cent) in the UK belong to a union, compared with 27.2 per cent of UK born workers. Possible mechanisms for recruitment and organising of migrant workers include:

- the use of translated materials
- the provision of English language training, with unions supporting the formation of national or language-based associations
- providing information from the point of decision making and throughout the whole migration process
- migrant awareness training for existing union members
- integrating measures to combat racism and discrimination into the work of unions
- building closer relationships with trade unions overseas to develop a greater understanding of the institutions and structures of the respective countries
- encouraging reciprocal union membership through signed 'passport' agreements.

Recommended Action

The governments of receiving and sending countries and international and national trade unions can make a major contribution towards improving the position of migrant workers and in assisting the development of the economies in their respective countries. This is particularly important in the case of developing countries where key workers continue to be lost.

Developed countries that benefit from the brain drain have a duty to help in the building of strong, sustainable economies in developing countries. Action needs to be co-ordinated if it is to be successful and governments and trade unions have much to do. UNISON currently participates in the Migration and Women Health Workers Project of Public Services International (PSI), a global federation of public service unions in:

- promoting women health workers rights
- campaigning for ethical recruitment
- maintaining quality public health services
- engaging in social dialogue in the health sector.

The government has adopted a number of positive measures to assist migrant workers coming to the UK, and to manage migration within the context of expansionist macro-economic policies and social policies that guarantee equal opportunities for migrant and national workers. These measures need to be supplemented by the adoption of the following proposals if there really is to be fair and equal treatment of all workers.

- Ratify the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and their Families.
- Reform the work permits scheme to reduce the power of employers.
- Legislate to prevent employers from holding migrant workers' passports.
- Support in principle an amnesty for

undocumented workers and undertake a detailed study of its implications.

- Repeal Section 8 of the Asylum and Immigration Act 1996.
- Tighten the 'Code of Practice for the international recruitment of healthcare professionals', to halt unethical recruitment by private agencies.
- Initiate international action to regulate the activities of private recruitment agencies.
- Work with other European governments, and internationally, to establish a multilateral framework for a rights-based system of labour migration, based on the ILO's Core Labour Standards.
- Ensure that migrant workers are provided with the necessary information on the real costs and benefits of migration, access to legal protection, employment rights and social benefits, while at the same time ensuring they are covered by national labour legislation, collective agreements, and applicable social laws.
- Introduce measures to ensure that migrant workers benefit from the provisions of all international labour standards.
- Close the loophole in the Posted Workers Directive to provide real protection for migrant workers.
- Work towards a common legal framework, setting out the rights and obligations of third country nationals, within the EU as a whole.

Sending countries are in need of assistance to improve economic and social conditions at home which will help to retain skilled workers currently being lost to the brain drain. The UK government, working with other governments in the EU and the G8 countries, can help in the following ways:

- improve the pay, conditions and value of health care workers in the UK to enhance national recruitment and retention strategies, thereby reducing dependence on migrant nurses

- provide salary support in key sectors such as education and health, where staff losses are greatest
- offer assistance to improve health service financing and governance in countries that are losing staff
- strengthen key public services in developing countries through targeted and equitable development assistance
- assist in the development of a health service training programme, with the support of UK staff
- co-operate with pre-departure and orientation briefings for migrant workers, with the involvement of the trade unions.

International and national trade unions, including UNISON, have an important role to play in the development of a fair and just system of labour migration and in the protection of migrant workers' rights. Trade unions should do more to recruit and represent migrant workers at all levels. There are a number of initiatives that trade unions could adopt to achieve this, including:

- identify areas where there is significant employment of migrant workers and organise union recruitment campaigns, supported by material in appropriate languages
- provide advice and information to migrant workers on their rights as well as responsibilities at work, and access to trade union support information on housing, the cost of living, banking facilities, and other social services
- identify union members who are foreign born or foreign workers with a view to organising and recruiting
- appoint full time officer(s) to work specifically on recruitment of migrant workers, and set up support groups in branches where there are migrant workers
- establish education and training courses for migrant workers including English language tuition

- help migrant workers and ethnic minorities to become trade union activists and leaders
- produce migrant awareness training for existing union members
- support the European Year of Workers' Mobility 2006, to raise awareness and increase understanding of labour migration in Europe
- work with national and international trade union centres to challenge the perceived negative image of migrant workers, promote their human and trade union rights, and highlight their positive contribution to the economy and society
- build closer working relationships with trade unions overseas, with exchange programmes to develop a greater understanding of migration issues, and develop capacity building schemes to assist trade unions in sending countries
- encourage reciprocal union membership through signed 'passport' agreements
- develop and promote workplace strategies to combat racism, discrimination and xenophobia towards migrant workers
- work closely with organisations and community groups caring for migrant workers, asylum seekers and refugees
- develop a common strategy on the rights-based approach to labour migration with international and national trade union centres
- campaign for increased funding for public education and healthcare at home and overseas.

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